

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

2535 CAPITOL OAKS DRIVE, SUITE 300A, SACRAMENTO, CA 95833-2926

TELEPHONE: (916) 263-2113

FAX: (916) 263-2099

E-mail: geology@dca.ca.govWebsite: www.geology.ca.gov

Enforcement Action

Christopher Palmer**Professional Geologist (PG) No. 3989****Certified Engineering Geologist (CEG) No. 1262****Certified Hydrogeologist (CHG) No. 246**

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to Christopher Palmer for violation of Business and Professions Code section 7860 (b)(3) and for violation of section 3065, subsections (a)(2) and (b)(8) of Title 16, California Code of Regulations. Mr. Palmer signed and stamped 15 soil and groundwater investigation and/or monitoring reports (collectively called "Reports" herein) for the former San Jose Glass Company site located at 425 Auzerais Avenue, San Jose, California. The Reports signed and sealed by Mr. Palmer and submitted to the Santa Clara Valley Water District (SCVWD) demonstrate that Mr. Palmer was in responsible charge of the professional geologic work completed during the groundwater investigation, monitoring and/or remediation efforts at the site.

The standard of practice of a PG or CEG working under similar circumstances requires that a reasonable professional insure that groundwater monitoring is completely and appropriately carried out in a representative manner, represent the obtained field data completely and accurately in reports, and submit reports in a timely manner to the local oversight program (LOP) jurisdiction, in this case, the SCVWD.

In particular, geologic work completed by Mr. Palmer show the presence of separate phase petroleum hydrocarbon product (product) in groundwater monitoring well MW-1 was inconsistently monitored and reported. Only five out of 15 Reports contained field data on MW-1; however, each of the 15 well sampling reports contained a table with a cumulative total of product recovered from MW-1. Quarterly Groundwater Monitoring Program reports, dated December 13, 2001, April 22, 2002, October 7, 2002, October 30, 2002, February 4, 2003, and May 5, 2003, describes MW-1 having an amount of degraded product and that it is "depleted in volatile constituents (see table 3)"; however, there are no analytical results for MW-1 on the referenced table, consequently, Mr. Palmer failed to insure that groundwater monitoring is completely and appropriately carried out in a representative manner and represent the obtained field data completely and accurately in his reports. The Reports were submitted to the reviewing agency an average of over one month late.

Mr. Palmer committed acts of professional negligence and/or incompetence and misrepresentation constituting grounds for disciplinary action under Business and Professions Code section 7860(b)(3) and for violation of section 3065, subsections (a)(2) and (b)(8) of Title 16, CCR.

In accordance with section 125.9(d) of the Business and Professions Code, payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. Palmer agreed to pay the fine and the case was closed on September 5, 2006.

The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California